

Protection Order Committee
Judicial Conference of Indiana

Minutes
June 25, 2004

The Protection Order Committee met at the Indiana Judicial Center in Indianapolis on Friday, June 25, 2004, from 12:00 – 2:30 PM.

1. Members present. Tammy Baitz, George E. Brown, Stephen M. Jessup, Robert E. Lybrook, Christina J. Miller, Lynne Spevak, and John W. Forcum, Chair.
2. Staff present. Tom Jones provided the committee with staff assistance.
3. Minutes. The minutes of the meeting on April 23, 2004, were approved.
4. Activities of Protection Order Committee since the April 23, 2004, meeting.
 - a. Julian Center Conference, June 3-4, 2004. The Chair, the Honorable John W. Forcum informed the committee about the “2004 State of the Art Trends in Domestic Violence Conference,” sponsored by the Julian Center, held at the Marten House in Indianapolis on June 3-4, 2004. On Thursday, June 3, 2004, a panel consisting of Judge Forcum, Tammy Baitz, and Jeff Bercovitz presented a session on the process that led to the major protection order legislation that the Indiana General Assembly had enacted in 2002 that the Protection Order Committee had sponsored. The panel, especially through Mr. Bercovitz’s detailed power point presentation, also discussed how the committee implemented the legislation through the adoption of forms and through members and staff conducting educational seminars. On Friday, June 4, 2004, Chief Justice Shepard spoke to the conference on developments in domestic violence law in Indiana, and later that morning Justice Frank Sullivan, Jr. and members of the JTAC staff presented a session on how the new technology that is being developed by JTAC will improve the protective order process. Members of the Protection Order staff were in attendance at both sessions.
 - b. Association of Clerks of Circuit Courts of Indiana, Annual Meeting in Merrillville, June 16, 2004. Judge Forcum also commended Magistrate Christina J. Miller on her presentation to the Association of Circuit Court Clerks of Indiana in Merrillville on June 16, 2004. Magistrate Miller had explained the new deskbook to the circuit court clerks and their staffs, and she also answered questions on protection orders that members of the audience had presented. Judge Forcum also commended Lynne Spevak and Tammy Baitz on their roles on the committee representing the circuit court clerks. At its annual meeting, the Association of Circuit Court Clerks of Indiana had voted Tammy Baitz as the recipient of the “Clerk of the Year” award and honor.
 - c. Meeting with JTAC Working Group, June 23, 2004. Judge Forcum also informed the members of the committee about the meeting that had been held in Indianapolis on Wednesday, June 23, 2004, with the JTAC Working Group led by Judge Paul Matthias of the Indiana Court of Appeals and Senior Judge John Kellam. Also participating in this meeting were members Magistrate Robert E. Lybrook and Magistrate Jerry L. Ummel and staff members Jeffrey Bercovitz and Tom Jones. Judge Forcum informed the committee that he had major feelings of trepidation as the meeting begun because he was concerned that the JTAC Working Group would request major changes to the forms as it had of other committee’s forms. However,

after an arduous day of reviewing all the forms on the website, the JTAC Working Group had only requested a few minor changes to the forms. Judge Matthias and Judge Kellam had been very impressed by the work of the Protection Order Committee. Judge Forcum had expressed at the meeting that the Protection Order Committee work more closely with the JTAC Working Group in the future perhaps even inviting a member of the JTAC Working Group to attend future committee meetings.

5. Forms.

- a. Confidential Form. Based on recommendations submitted by the Chair, Judge Jessup, with amendments from Magistrate Miller, moved that the Confidential Form be revised by eliminating **Section 1. Terms and Conditions of Order** currently found on pages 2 and 3 of the form and **Section II. Brady Law: Possession or Purchase of Firearm or Ammunition Prohibited** found on page 3 of the form. In addition, Judge Jessup's proposal contained a set up IDACS codes that correspond with the eight (8) "terms and conditions of order" that had been developed by Judge Forcum. These IDACS codes would be placed in the order forms corresponding to the appropriate paragraphs of the order forms and on the coversheet. Judge Forcum had initially submitted the idea of placing the conversion table with the revised Confidential Form. He had developed a document entitled **Protective Order to IDACS Code Conversion Table**. The committee, on Judge Jessup's motion voted to incorporate these conversion codes within the order forms and cover sheet.
- b. Order Amending an Order for Protection, Brady Law Prohibition. Judge Forcum also proposed this new form to be used in conjunction with the Notice of Extension or Modification. This form would be used as an amendment to an existing protection order after a respondent had been found Brady disqualified in terms of his ability to buy firearms after a hearing had been held. The committee voted to adopt this new form.
- c. Petitioner's Verified Request for Dismissal. At the request of Nan Nidlinger, Clerk of the Adams Circuit Court, this form was revised by adding two new lines to the form entitled "Petitioner's Address" and "Respondent's Address." The changes were requested because the petitioner often has moved during the period between receiving the initial order of protection and the order of dismissal. The "respondent's address" line would allow the petitioner to note that the respondent's address was now "unknown," if that was applicable. The committee voted to adopt the suggested changes made by Ms. Nidlinger.
- d. Notice of Extension or Modification. The committee also voted to eliminate the final section from this form entitled "**Brady Law: Possession or Purchase of Firearm or Ammunition Prohibited**" to be consistent with the changes that it had made to the Confidential Form.

6. Next meeting dates. Committee members agreed to meet at the following times: Friday, July 23, 2004, and Friday, August 27, 2004, at the Indiana Judicial Center.

Respectfully submitted,

Tom Jones, Records Manager